

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware corporation; AMAZON.COM SERVICES LLC, a Delaware limited liability company; FELCO SA, a Swiss corporation; FLISCH HOLDING SA, a Swiss corporation; and PYGAR USA, INC., a Washington corporation,

Plaintiffs,

v.

THI TUYEN NGUYENT, PHAM DUC LONG, NGO VAN QUYET, VU VIET BAO, MANH VU VAN, VAN HOAD TUONG, THO PHAM HIEW, DO QUANG DAT, PLINA VOLKOVA and DOES 1-10,

Defendants.

CASE NO. 2:22-cv-01506-JHC-BAT

**PRESERVICE SCHEDULING
ORDER REGARDING
DEFENDANTS NAMED IN
AMENDED COMPLAINT**

On October 24, 2022, Plaintiffs filed a complaint against 39 named Defendants alleging unlawful sales of Felco-branded pruning shears. Dkt. 1. On February 2, 2023, the Court ordered Plaintiffs to show cause why the case should not be dismissed for failure to effect service. Dkt. 6. On May 17, 2023, Plaintiffs moved for expedited preservice discovery. The Court granted the motion on May 19, 2023. Dkt. 15. On June 13, 2023, the Court ordered Plaintiff to file status updates regarding the status of discovery, whether an amended complaint needs to be filed or

whether alternative service should be ordered. On September 19, 2023, Plaintiffs filed an amended complaint.

The amended complaint is noteworthy because it deletes every Defendant named in the original complaint and names new named Defendants, not previously mentioned.

Because nearly a year has passed since Plaintiffs initiated this action, the Court issues the following ORDER:

1. Whether service is completed within the United States or in a foreign country,¹ by **December 19, 2023**, Plaintiffs shall file: (a) an affidavit proving service; (b) a motion for alternative service; (c) a motion requesting an extension of the time to serve, setting forth all efforts taken over the last 90 days to serve defendants; and/or (d) a motion for pre-service discovery.
2. If the Court grants any such motions, Plaintiffs shall, no later than **March 18, 2024**, complete pre-service discovery and file: (a) an affidavit proving service; or (b) a motion for an additional extension of the time to serve, detailing Plaintiffs' efforts to complete service and when they expect to complete service.
3. This Order does not prevent Plaintiffs from taking these actions earlier than required.
4. If service upon all named Defendants is not perfected within one year of the date of this Order, the Court anticipates issuing an order to show cause why the case should not be dismissed without prejudice for failure to prosecute.

DATED this 19th day of September, 2023.

¹ Although the 90-day time limit for service in Fed. R. Civ. P. 4(m) "does not apply to service in a foreign country[.]" the rule "does not preclude the court from 'setting a reasonable time limit for service in a foreign country to properly manage a civil case.'" *Inst. of Cetacean Research v. Sea Shepherd Conservation Soc'y*, 153 F. Supp. 3d 1291, 1320 (W.D. Wash. 2015) (quoting *Baja Devs. LLC v. TSD Loreto Partners*, 2009 WL 2762050, at *1 (D. Ariz. Aug. 26, 2009)).



BRIAN A. TSUCHIDA
United States Magistrate Judge

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